

REMARKS/ARGUMENTS

Claims 1 – 20 are pending in the application. Claims 1, 7, and 13 have been amended. Claims 4, 10, and 16 have been canceled. Support for the amendments is found in the specification, claims, and drawings as originally filed. Applicants, therefore submit that the amendments do not add new matter.

CLAIM REJECTIONS – 35 USC §103

In the April 18, 2006 Office Action, Claims 1 – 20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent Application No. 2004/0022369 to Vitikainen et al. (hereinafter Vitikainen) in view of U.S. Patent Application No. 2003/0152199 to Kuhn et al. (hereinafter Kuhn).

Applicants have amended the claims to clearly distinguish the claimed invention from the combination of Vitikainen and Kuhn. Applicants respectfully submit that claims 1 – 20, as amended, are not rendered obvious by the combination of Vitikainen and Kuhn. Claim 1 as amended, includes the following limitations.

A method comprising:

receiving, at a central site, a call identification information and a corresponding response instruction, from a remote user;

receiving a forwarded call, the call originally placed to a telephone number of a remote user and forwarded to the central site upon not being answered at a telephone of the remote user;

automatically identifying the call using input prompted from the caller;

and

responding to the call in accordance with the corresponding response instruction.

(Amended claim 1) (Emphasis added)

In the office action, the Examiner states that Vitikainen does not disclose the limitation of identifying a call from user inputs. The Examiner states that Kuhn teaches this limitation and that therefore the obvious combination of Vitikainen and Kuhn renders the claimed invention obvious and unpatentable.

Applicants have amended the claims to clarify that the call that is identified is a forwarded call that has not been answered at the telephone of the user (i.e., the person being called). In contrast, a thorough reading of Kuhn clearly shows that the call being identified by user input in Kuhn is a call that has not yet been placed to the user's telephone. This is because Kuhn discloses a call screening system as evidenced by the title and abstract. The Examiner has cited paragraph 8 of Kuhn. Kuhn discloses the following.

The present invention affords considerable more functionality than either of the aforementioned call screening solutions. The present invention uses speaker verification and speaker recognition technology to construct an acceptable caller list, which is then used to screen incoming callers. In the presently preferred embodiment, when the user first signs up for the screening service based on the invention (or purchases a physical device in which the invention is incorporated), the system begins constructing speaker voice models for each of the people with whom the user carries out conversations of reasonable length. After each telephone call, the system will ask the user whether or not to enter the other person's voice profile and telephone number (if unblocked) in the acceptable caller list. It may also prompt the user for the other person's name.

Subsequently, if a person on the acceptable caller list calls the user back from the same unblocked number, the call will be put through immediately (as in the existing technology). On the other hand, if an acceptable caller calls from a blocked number or from a new number, the system will ask the caller for his or her name, and/or for other information. If the voice profile (possibly together with the name) matches the profile for someone on the acceptable caller list, the call will be put through; otherwise a message may be taken by routing the call to a suitable answering machine or voicemail system.

The invention can be implemented as either a server-based system or as a locally deployed hardware or software system associated with the user's telephone

equipment. The invention is also capable of being extended to more complex versions of the basic idea, in which there are several classes of callers and different actions to be taken for each. For instance, some callers might be subjected to a detailed series of questions by the system, with the resulting action determined by their recognized response. Also, the system can be configured to take other action based on who the caller is, or what the caller says. For example, the system can be configured so that the telephone system interface selectively communicates a message over a computer network, such as the internet.

(Kuhn, paragraphs 7 – 9) (Emphasis added)

As disclosed in the background section of Kuhn, the known system allows a user to screen calls based on input from the caller. The invention of Kuhn allows for more complex call screening including allowing some calls to be placed at certain times and some calls to be placed based on the caller providing prearranged information. But a thorough reading of Kuhn makes clear that both the prior art and the invention are directed toward a call screening system. Kuhn discloses the following.

As will be more fully explained herein, the invention offers a number of advantages over prior call screening systems.

(Kuhn, paragraph 10, lines 1 – 2)

Therefore, applicants respectfully submit that the combination of Vitikainen and Kuhn does not contain the limitation of automatically identifying a call by using input prompted from a caller to identify a forwarded call that was originally placed to a telephone number of a remote user and forwarded to the central site upon not being answered at a telephone of the remote user.

This is because Kuhn uses caller input to identify the call prior to putting the call through. Kuhn does this to effect call screening. Using the system of Kuhn, the call may never be placed, and therefore the features of Vitikainen would not be implicated. Using

the system of Kuhn, the call once placed may then be answered, again the features of Vitikainen would not be implicated.

Applicants respectfully submit that neither reference teaches or suggests a combination one with the other. When thoroughly reviewed the teachings of Vitikainen and Kuhn are disparate because there is no reason to combine the call screening feature of Kuhn with the call messaging features of Vitikainen. That is, the purpose of Kuhn is that a user not be unduly bothered with calls that they do not want to receive, while the purpose of Vitikainen is that the user wishes to respond to a call that they wanted to receive, but did not receive for some reason.

So, applicants respectfully submit that Kuhn should not be combined with Vitikainen in the manner suggested by the Examiner.

Moreover, it is telling to examine the system that would result if the caller identification feature of Kuhn was combined with the messaging system of Vitikainen. First a caller would attempt to place a call to callee. The system of Kuhn would prompt the caller for input to determine whether or not the call would be placed to the callee. The call would be placed only if the caller provided the right information and the call met various other criteria (e.g., time of day). Then, only if the callee did not answer, would the system of Vitikainen be implicated and would, at this point in the process, still lack the features of identifying the call based on user input.

For these reasons applicants respectfully submit that claims 1 – 20 are not rendered obvious by the combination of Vitikainen and Kuhn.

In regard to claims 4, 10, and 16, applicants have canceled the claims in light of the amendment to claims 1, 7, and 13. The amendment to claims 1, 7, and 13 are more

comprehensive in that they specify that the received call is a forwarded call that is forwarded when the call is not answered at the telephone of the remote user.

In regard to the Examiner's statement that the limitations of claims 4, 10, and 16 are inherent in answering services only underscores the disparate teaching of Vitikainen and Kuhn. This is because it is definitely not inherent in a call screening system (such as described in Kuhn) to identify a call after it has not been answered. This illogical result is the basis of applicants respectful submission that Vitikainen and Kuhn should not be combined in the manner suggested by the Examiner.

In regard to claims 6, 12, and 18, the Examiner has cited Vitikainen at paragraph 17. Applicants follow and appreciate the reasoning of the Examiner and understand that Vitikainen only uses the secretarial number as an example of an alternative predetermined number. Further, applicants concede that one predetermined number renders other possible predetermined numbers obvious. However, this is not the extent of the limitations of claims 6, 12, and 18. These claims include the limitation that the response instruction is provided by the remote user (i.e., the person being called) through their dependence on claims 1, 7 and 13, respectively.

In contrast, in Vitikainen, the number to which the call is forwarded is selected by the "calling subscriber" (i.e., the person being called). Vitikainen discloses the following.

In still another embodiment of the invention, at least one of the messages stored in the memory means contains data for presenting a menu of available options to the calling subscriber, and the telecommunications system comprises means for receiving information indicating the option selected by said calling subscriber among said available options and for serving the calling subscriber according to the selected option. This embodiment makes it possible for the service subscriber to give the calling subscriber the possibility to select a suitable option of how to

proceed when the service subscriber is unable to answer the call. Such options might be to be connected to a predetermined number (secretary), to send an SMS (Short-Message Service) message or to leave a message.

(Vitikainen, paragraph 17) (Emphasis added)

As paragraph 17 makes clear, it is the caller who has the option of selecting how to proceed when the call is not answered. One option provided may be to have the call forwarded to a number provided to the caller on a menu. This is made very clear in paragraphs 42 – 48, which reveal that an embodiment of the invention of Vitikainen allows the caller to be provided with a menu of options that include being connected to a predetermined number. The caller, upon receiving this menu, makes a selection that indicates to the telecommunications system how he (the caller) would like to proceed with the call attempt (see Vitikainen, paragraph 43).

So, the applicants respectfully renew their argument in regard to claims 6, 12, and 18. Applicants respectfully submit that in contrast to Vitikainen, an embodiment of the invention, as claimed for example in claim 6, forwards the call to an alternative number of the remote user without being directed to by the caller, and without the consent or knowledge of the caller, and based upon instructions received from the user. While the concepts are similar the implementation and resulting telecommunication is vastly different. As claimed in claim 6, the invention allows calls made by specific callers to be forwarded to an alternative number of the remote user. This maintains the remote user's privacy in regard to activity, location, etc. while proceeding with a call from the specific caller. In Vitikainen, the caller may decide not to have the call forwarded to any number. Moreover, in Vitikainen if the caller chooses to have the call forwarded, the caller selects

the number to which the call is forwarded; this means the caller is aware of the number. So in Vitikainen the caller is given much more authority and information than a caller using the system as claimed.

Applicants respectfully submit that these are substantial and patentable distinguishing characteristics, and respectfully requests the Examiner to reconsider this interpretation of Vitikainen.

In response to the Examiner's further statement that even if applicants prevail on this issue, "follow-me" or "chase-me" systems are notoriously old in the art and it would be obvious to implement where needed. Applicants respectfully submit that what is claimed is more than a "follow-me" system that allows calls to be forwarded to a number selected by the user. As claimed, calls are identified, and based on that identification, are forwarded to a particular number as directed by the user's instructions. Again, the applicants respectfully submit that claims 6, 12, and 18, are fundamentally distinguishable and patentable in view of the "notoriously old" art cited by the Examiner.

For all of these reasons, applicants respectfully submit that claims 1 – 20 are not anticipated, nor rendered obvious by Vitikainen or Kuhn, alone or in combination.


CONCLUSION

For at least the foregoing reasons, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner has any further questions or comments concerning the amendments made herein, he is encouraged to telephone the undersigned at 408-849-3274.

Respectfully submitted,

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